IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60449

JOSE GRACIA, ET AL.,
Plaintiffs-Appellants,
Cross Appellees,

and

HEALTHSOUTH REHABILITATION CENTER,
Intervenor-Appellant,
Cross Appellee,

versus

BROWNSVILLE HOUSING, ET AL.,
Defendants-Appellees,
Cross Appellants.

Appeals from the United States District Court
for the Eastern District of Texas, Tyler

ON PETITION FOR REHEARING AND
SUGGESTION FOR REHEARING EN BANC

(Opinion 2/14/97, 5 Cir., 1997, ___ F.3d ___)

(Filed Apr. 23, 1997)

Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:

(X) The Petition for Rehearing is DENIED and no member of this panel nor judge in regular active service on the court having requested that the court be polled on Rehearing En Banc, (FRAP and Local Rule 35) the Suggestion for Rehearing En Banc is also DENIED.

( ) The Petition for Rehearing is DENIED and the court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service not having voted in favor, (FRAP and Local Rule 35) the Suggestion for Rehearing En Banc is also DENIED.

( ) A member of the court in active service having requested a poll on the reconsideration of this cause en banc, and a majority of the judges in active service not having voted in favor, Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

/s/ E. Gordy Jolly
United States Circuit Judge